

# **Exhibit 8**

1 UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF NEW YORK

3 -----  
4 **BLACK LOVE RESISTS IN THE RUST, et al.,**  
5 **individually and on behalf of a class of**  
6 **all others similarly situated,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., et al.,**

10 Defendants.  
11 -----

12 **DEPOSITION OF DERRICK BANASZAK**

13 **Taken pursuant to Rule 30(b)(6)**

14 **of the Federal Rules of Civil Procedure**

15 APPEARING REMOTELY FROM

16 BUFFALO, NEW YORK

17 January 24th, 2024

18 At 9:30 a.m.

19 Pursuant to notice

20  
21 REPORTED BY:

22 Rebecca L. DiBello, RPR, CSR(NY)

23  
**DEPAOLO CROSBY REPORTING SERVICES, INC.**

135 Delaware Avenue, Suite 301, Buffalo, New York 14202  
716-853-5544

**R E M O T E   A P P E A R A N C E S**

APPEARING FOR THE PLAINTIFFS:

**COVINGTON & BURLING, LLP**  
**BY: JORDAN JOACHIM, ESQ.,**  
620 Eighth Avenue  
New York, New York 10018  
(212) 841-1086

APPEARING FOR THE DEFENDANTS:

**HODGSON RUSS, LLP**  
**BY: PETER SAHASRABUDHE, ESQ.**  
**AND CHEYENNE N. FREELY, ESQ.,**  
140 Pearl Street  
Buffalo, New York 14202  
(716) 856-4000

ALSO PRESENT:

**ANDREW TIMMICK, ESQ.,**  
Covington & Burling, LLP

**A. CHINYERE EZIE, ESQ.,**  
Center for Constitutional Rights

**ANJANA MALHOTRA, ESQ.,**  
National Center for Law  
and Economic Justice

**CLAUDIA WILNER, ESQ.,**  
National Center for Law  
and Economic Justice

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~~DERRICK BANASZAK~~

1           might be relevant here?

2                   MR. SAHASRABUDHE:   Yes.

3                   MR. JOACHIM:    Okay.

4           Q.   Let's move on to training then.   Has BPD ever  
5                conducted diversity and sensitivity training?

6           A.   Yes.

7           Q.   And during what time periods?

8           A.   I can only speak to the time that I've been  
9                here, so at least since 2001 I'm aware of.

10          Q.   And how often was diversity and sensitivity  
11                training offered since 2001?

12          A.   I would have to say that as each individual  
13                topic became another topic, that's when it was  
14                refreshed and then given out again.   Again, in  
15                my career it was -- it started out as cultural  
16                sensitivity.   Then it became racial  
17                sensitivity.   It became some part of ABLE  
18                training.

19                   It also then became Procedural Justice 1  
20                and 2 and now it's called implicit bias, so  
21                it's existed in some shape or form as long as  
22                I've been an officer.

23          Q.   And is that training offered regularly or when

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~~DERRICK BANASZAK~~

1 is that offered?

2 A. Like I said, I can testify that since I have  
3 taken command that is a mandatory training as  
4 of now. As in the past I do remember -- like  
5 I said, going back through my training record,  
6 I got it in the academy. I got it initially  
7 after 9/11 we had a section that had to do  
8 with cultural sensitivity, again in 2012 and  
9 then procedural justice and implicit bias  
10 since about 2015, 2016.

11 Q. So is the training just offered at the  
12 academy?

13 A. It's given at the law enforcement -- the Erie  
14 County academy when you're a cadet, but we  
15 also offer the inservice as they change the  
16 recommendations from New York State.

17 Q. Okay. And I guess what I'm getting at is if  
18 I'm an average Buffalo Police Department  
19 officer when do I take the training?

20 A. You get it in the academy when you are  
21 becoming a police officer and, like I said, as  
22 of last year it is annual.

23 Q. So as of last year it's annual. Prior to that

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1 STATE OF NEW YORK)

2 COUNTY OF ERIE )

3  
4 I, Rebecca Lynne DiBello, CSR, RPR, Notary  
5 Public, in and for the County of Erie, State of  
6 New York, do hereby certify:

7 That the witness whose testimony appears  
8 hereinbefore was, before the commencement of  
9 their testimony, duly sworn to testify the  
10 truth, the whole truth and nothing but the  
11 truth; that said testimony was taken pursuant  
12 to notice at the time and place as herein set  
forth; that said testimony was taken down by me  
and thereafter transcribed into typewriting,  
and I hereby certify the foregoing testimony is  
a full, true and correct transcription of my  
shorthand notes so taken.

13 I further certify that I am neither counsel  
14 for nor related to any party to said action,  
15 nor in anyway interested in the outcome  
thereof.

16 IN WITNESS WHEREOF, I have hereunto  
17 subscribed my name and affixed my seal this  
18 31st day of January, 2024.

19 

20 -----  
21 Rebecca Lynne DiBello, CSR (NY)  
22 Notary Public - State of New York  
23 No. 01D14897420  
Qualified in Erie County  
My commission expires 5/11/2027

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